

4-3-2018

San Gabriel city council resolution on diversity

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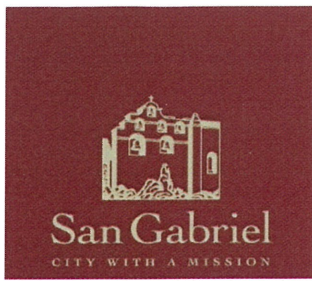
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City of San Gabriel Staff Report

DATE: April 3, 2018

TO: Honorable Mayor and City Council

FROM: Mark Lazzaretto, City Manager 

By: Keith Lemieux, City Attorney

SUBJECT: **RESOLUTION NO. 18-15 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN GABRIEL, CALIFORNIA, AFFIRMING THE CITY'S LONGSTANDING COMMITMENT TO DIVERSITY AND SAFEGUARDING THE CIVIL RIGHTS, SAFETY AND DIGNITY OF ALL PEOPLE**

SUMMARY

The City of San Gabriel welcomes all persons – both native born and immigrant – from diverse cultures, religions, backgrounds, orientations, abilities, and viewpoints. These varied groups have come together in San Gabriel to stimulate the economy and improve the culture of the City. The City of San Gabriel wishes to assure the public that the City works to improve the safety and quality of the entire community – including those in vulnerable groups.

Immigrants are valuable and essential members of this community. A relationship of trust between the City's immigrant community and City personnel is crucial to providing civic services including public safety. This trust is threatened when immigrant community members fear approaching police when they are victims of, and witnesses to, crimes, or are seeking basic City services, to the detriment of public safety.

The following resolution is intended to aid local law enforcement by encouraging undocumented immigrants to come forward with relevant information about crimes without fear of deportation. It is intended to foster local control by making sure that the federal government does not transfer the responsibility of enforcing U.S. immigration laws to local personnel. It is intended to promote a vibrant and diverse local economy by promoting the City as immigrant friendly. This resolution is also intended to ensure that City Staff is informed of available resources and is prepared to make referrals to legal and educational services for immigrants.

Analysis

Immigration is the responsibility of the federal government. The federal government has the exclusive authority to enforce federal immigration law including the admission, exclusion and deportation of undocumented immigrants. These matters are handled by the Office of Immigration and Customs Enforcement ("ICE"), a branch of the Department of Homeland Security. In fact, Congress is prohibited by the Tenth Amendment from passing any law that requires local agencies, such as the City, to enforce immigration law. Consequently, San Gabriel Police Department officers can neither commence deportation proceedings nor arrest undocumented immigrants for improper entry. However, the courts have found it does not constitute improper local enforcement of civil immigration law for San Gabriel Police Department officers to *voluntarily* report such individuals to ICE.

The City believes that it can best achieve crime prevention by making it known to the community that its police officers are unconcerned with immigration violations — thereby encouraging undocumented immigrants to come forward with relevant information about crimes without fear of deportation. Thus, while San Gabriel Police Department officers are permitted under federal law to *voluntarily* report suspected undocumented immigrants to ICE, the San Gabriel Police Department has adopted a policy to restrict collection and reporting of such information.

The attached resolution codifies this existing policy and applies it to all City staff members. The resolution provides that City employees will not request, maintain or disclose information regarding a person's citizenship or immigration status when providing any City service (except as otherwise required by law). The court has found that local limitations on the collection and maintenance of immigration status are consistent with 8 U.S.C. § 1373 because they are precluding an activity that is strictly voluntary on the part of the local government. The requirement not to "disclose" immigration status is subject to exceptions provided in Government Code Section 7284.6 as well as 8 U.S.C. § 1373. As a result, the resolution notes that this prohibit applies "except as required by . . . any applicable law."

The resolution also provides the City shall comply with the provisions of SB 54 and that the San Gabriel Police Department shall continue to protect and serve all members of the community. SB 54 Prohibits state and local law enforcement agencies from using resources "to investigate, interrogate, detain, detect, or arrest people for immigration enforcement purposes." (Gov. Code, § 7284.6, subd. (a)(1).) Restrictions include:

- Inquiring into an individual's immigration status.
- Detaining a person based on a hold request from ICE.
- Sharing non-public information about an individual with ICE.

- Arresting a person based on a civil immigration warrant.
- Participating in border patrol activities, including warrantless searches.
- Participating in any program that deputizes police as immigration agents.
- Using ICE agents as interpreters.

Finally, the resolution provides that the City will maintain a list of available resources that can assist community members and businesses with immigration-related issues.

Fiscal Impact

Staff anticipates no fiscal impact relating to adopting these rules.

Recommendation

Staff recommends approval of the following:

Adopt Resolution No. 18-15 A Resolution of the City Council of the City of San Gabriel, California, Affirming the City's Longstanding Commitment to Diversity and Safeguarding the Civil Rights, Safety and Dignity of all people.

Attachments

1. Exhibit A, Resolution No. 18-15 A Resolution of the City Council Of The City Of San Gabriel, California, Affirming The City's Longstanding Commitment To Diversity and Safeguarding The Civil Rights, Safety and Dignity of All People
2. City of San Gabriel Brochure – Immigration assistance agencies

RESOLUTION NO. 18-15

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN GABRIEL, CALIFORNIA, AFFIRMING THE CITY'S LONGSTANDING COMMITMENT TO DIVERSITY AND SAFEGUARDING THE CIVIL RIGHTS, SAFETY AND DIGNITY OF ALL PEOPLE

WHEREAS, the San Gabriel City Council **has long promoted** an atmosphere of acceptance and respect in the community; and

WHEREAS, San Gabriel is made up of many individuals, both native born and immigrants, whose collective cultures, religions, backgrounds, orientations, abilities, and viewpoints join to form a diverse community which prides itself on being a place that welcomes persons and families of all walks of life; and

WHEREAS, the City of San Gabriel wishes to assure the community that the City **has long worked and continues to work** to improve their quality of life and protect their safety, and opposes the forces of hate and discrimination; and

WHEREAS, the State of California enacted California State Senate Bill 54 ("SB 54") into law on October 5, 2017, which limits local law enforcement's involvement with federal immigration enforcement agencies; and

WHEREAS, consistent with the law and with city standard operating procedures, the San Gabriel Police Department **has always provided and continues to provide** proactive, effective, and professional law enforcement services **in an attempt** to keep all of the City's community members and businesses safe; and

WHEREAS, fostering a relationship of trust, respect and open communication between City Officials and the community **has always been and continues to be** essential to the City's mission of maintaining public safety, supporting a vibrant and diverse local economy and delivering efficient and effective public services in partnership with the community; and

WHEREAS, the City desires that its Staff **continues to** be informed of available resources and be prepared to make referrals to legal and educational services for the community; and

WHEREAS, the San Gabriel City Council seeks to make the City of San Gabriel a safe place for all people.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN GABRIEL, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The San Gabriel City Council **reaffirms its position that** the community, city departments, and city employees **should** reject acts of bullying,

discrimination, hate and violence, and to stand up for those who may be the subject of targeted acts.

SECTION 2. The San Gabriel City Council, **consistent with its history and prior stances** calls upon the community, city departments, and city employees to work to create a just society that fosters positive human relations; and work to eliminate violence, conflict, tension, discrimination, prejudice, and stereotyping based on race, religion, gender, sexual orientation, national origin, age, disability, or any other arbitrary factor.

SECTION 3. No city agency, department, officer, employee, or agent shall request, maintain or disclose a person's citizenship or immigration status in providing any city service, except as required by a valid and enforceable court order or any applicable law.

SECTION 4. The City shall comply with the provisions of SB54. The San Gabriel Police Department shall continue to protect and serve all members of the community, encourage all members of the community to seek assistance from the San Gabriel Police Department whenever necessary and foster positive police-community relations in general.

SECTION 5. The City shall maintain a list of available resources that can assist community members and businesses with immigration-related issues and selected City staff shall be prepared to provide referrals to such resources for community members and businesses seeking such assistance.

SECTION 6. Nothing in this Resolution shall be construed or implemented to conflict with any valid and enforceable obligation imposed by a court order or any applicable law.

SECTION 7. The Mayor shall sign and the City Clerk Shall attest to the passage of this Resolution.

PASSED, APPROVED AND ADOPTED by the City Council of the City of San Gabriel at the regular meeting of this 3rd of April, 2018.

John Harrington
Mayor, City of San Gabriel

ATTEST:

Julie Nguyen
City Clerk, City of San Gabriel

APPROVED AS TO FORM:

Keith Lemieux
City Attorney, City of San Gabriel

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)
CITY OF SAN GABRIEL)

I, Julie Nguyen, City Clerk of the City of San Gabriel DO HEREBY CERTIFY that foregoing Resolution No. 18-15 was duly passed and adopted by the City Council of the City of San Gabriel at their regular meeting held on April 3, 2018 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS COSTANZO, LIAO, MENCHACA, VICE MAYOR
 PU, MAYOR HARRINGTON

NOES: NONE

ABSENT: NONE

Julie Nguyen, City Clerk

(SEAL)

The foregoing is the original of Resolution No. 18-15 duly passed and adopted by the San Gabriel City Council at their regular meeting held on April 3, 2018.

Julie Nguyen, City Clerk

(SEAL)

General Legal Services

ACLU Southern California

1313 West Eighth Street
Los Angeles, CA 90017
213.977.9500
ACLUSoCal.org

Public Counsel

610 South Ardmore Avenue
Los Angeles, CA 90005
213.385.2977
PublicCounsel.org

Immigration Resources

USC Gould School of Law, Immigration Clinic

699 Exposition Boulevard
Los Angeles, CA 90089
213.740.7331
Gould.USC.edu

Immigration Resource Center of San Gabriel Valley

303 West Colorado Boulevard
Monrovia, CA 91016
626.509.9472
IRCSGV.org

Coalition for Humane Immigrant Rights

2533 West 3rd Street, Suite 101
Los Angeles, CA 90057
213.353.1333
CHIRLA.org

Asian Americans Advancing Justice-LA

1145 Wilshire Boulevard
Los Angeles, CA 90017
213.977.7500
AdvancingJustice-LA.org

Refugee Assistance

Episcopal Diocese of Los Angeles – Interfaith Refugee and Immigration Service

3621 Brunswick Avenue
Los Angeles, CA 90039
323.667.0489
213.819.1890 (Spanish)
IRIS.LADiocese.org

International Rescue Committee

625 North Maryland Avenue
Glendale, CA 91206
818.550.6220
Rescue.org/united-states/los-angeles-ca

Immigrant Labor Resources

Korean Immigrants Workers Advocates

1053 South New Hampshire Avenue
Los Angeles, CA 90006
213.738.9050
KIWA.org

Family Immigration Resources

Immigration Center for Women and Children

634 South Spring Street, Suite 727
Los Angeles, CA 90014
213.614.1165
ICWCLAW.org

Immigration Resources



San Gabriel
CITY WITH A MISSION

Health Services

San Gabriel Valley Medical Center

438 West Las Tunas Drive
San Gabriel, CA 91776
626.289.5454
SGVMC.com

Pacific Clinics

9353 Valley Boulevard, Suite C
Rosemead, CA 91770
877.722.2737
PacificClinics.org

To Help Everyone Health and Wellness Centers

3834 South Western Avenue
Los Angeles, CA 90062
323.730.1920
ToHelpEveryone.org

Counseling Services

La Casa de San Gabriel Community Center

203 East Mission Road
San Gabriel, CA 91776
626.286.2144
LaCasaCommunityCenter.org

Santa Anita Family Service

324 South Mission Drive
San Gabriel, CA 91775
626.308.2822
SantaAnitaFamilyService.org

City of San Gabriel

Police Department

625 South Del Mar Avenue
San Gabriel, CA 91776
626.308.2828
Emergencies: 9-1-1

Fire Department

626.308.2880
Emergencies: 9-1-1

Fire Station 51 (Headquarters)

1303 South Del Mar Avenue
San Gabriel, CA 91776

Fire Station 52

115 North Del Mar Avenue
San Gabriel, CA 91776

Public Works

917 East Grand Avenue
San Gabriel, CA 91776
626.308.2825

Community Services

250 South Mission Drive
San Gabriel, CA 91776
626.308.2875

Mission Playhouse

320 South Mission Drive
San Gabriel, CA 91776
626.308.2865

Need immigration assistance?

Whether you need legal assistance or information on health or counseling resources, this pamphlet includes a list of local immigration organizations that will get you what you need. We've also included contact information for resources offered by the City of San Gabriel.

Please keep in mind that some of these organizations are not affiliated with the City of San Gabriel, and are included in this pamphlet for informational purposes only.

City of San Gabriel

City Hall

425 South Mission Drive
San Gabriel, CA 91776
626.308.2800
SanGabrielCity.com

The following departments are located at City Hall:

City Manager

626.308.2803

City Clerk

626.308.2816

Community Development

626.308.2806

Finance

626.308.2812

Human Resources

626.308.2802